New Version

- **Riparian Protection**
  - **Small and Medium Fish-Bearing Streams: State currently pursuing regulatory program:**
    - Current Deficiencies/Shortfall: Inadequate riparian protections for small and medium fish-bearing streams. Ripstream data and analysis shows that current Oregon Forest Practices Act measures do not ensure that forest operations meet water quality standards for protecting cold water (PCW) standard in small and medium fish-bearing streams in salmon, steelhead and bull trout habitat.
    - State Actions Needed: 1) **Complete riparian rulemaking by July 1, 2016**; 2) Rule should be designed to achieve the PCW standard in all salmon, steelhead and bull trout habitat and upstream waters supporting the PCW standard ;; and 3) The rule should also include means to monitor whether it is succeeding in assuring that forest operations comply with the PCW standard.
  - **Non-Fish-Bearing Streams: State may pursue regulatory and/or voluntary approaches:**
    - Current Deficiencies/Shortfall: Current Oregon Forest Practices Act measures may not ensure that forest operations comply with the PCW standard. The state's measures should ensure that forest operations meet the State water quality standards for protecting cold water criterion.
    - Examples of State Actions Needed: 1) **By July 1, 2016,** identify and adopt measures to ensure that the PCW standard is met, whether regulatory or voluntary (or a combination of both). 2) **By July 1, 2016,** identify and provide to NOAA and EPA the monitoring program associated with any voluntary measures, and the general authorities ODF and DEQ will rely on if voluntary measures are found to be inadequate to achieve the PCW standard on an ongoing basis. 3) **By July 1, 2016,** demonstrate compliance with elements needed for voluntary program (see General CZARA Guidelines for Approval above or NOAA and EPA's 2001 memo on Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs (http://coast.noaa.gov/czm/pollutioncontrol/media/epmmemo.pdf).

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Comment [WJ1]: I think we should keep in buffers. If they opt for "protections" down the road, that might be sufficient, but the management measure calls for riparian buffers and I think we should stay true to that.

Comment [WJ2]: I think what we wrote was accurate. Reading the regs cited below, it's a 70' buffer on large non-fish bearing streams and a 50' buffer on medium non-fish bearing streams. For small, non-fish bearing streams, there are some general vegetation retention suggestions, but no riparian buffers in the Coast Range. For drinking water streams, there's a 50' buffer on medium streams and a 20' buffer for small, drinking water streams.

Comment [d3]: How is compliance determined? Is it buffers of a certain distance everywhere all the time or an approach that achieves the outcome of cold water and habitat?

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Comment [WJ4]: I think we should keep in buffers. If they opt for "protections" down the road, that might be sufficient, but the management measure calls for riparian buffers and I think we should stay true to that.

Comment [LP5]: This last part of the sentence is not relevant – It is determined based on Fish Bearing or Not Fish Bearing, not determined if it is a particular fish species.

Comment [LP6]: Same comment as above

Comment [LP7]: It is very, very, very, very, very likely impossible that NFB stream "protection" will protect against PCW violations – that is, a much, much, much, much less riparian protection is much, much, much, much more likely to have greater temperature response than observed in the Ripstream results. That is, physics are the same in both fish bearing and nonfish bearing streams, and NFB streams have much, much, much, much less protection. Thus you must be more definitive than "may"

Comment [WJ8]: I think what we wrote was accurate. Reading the regs cited below, it's a 70' buffer on large non-fish bearing streams and a 50' buffer on medium non-fish bearing streams. For small, non-fish bearing streams, there are some general vegetation retention suggestions, but no riparian buffers in the Coast Range. For drinking water streams, there's a 50' buffer on medium streams and a 20' buffer for small, drinking water streams.

Comment [d9]: How is compliance determined? Is it buffers of a certain distance everywhere all the time or an approach that achieves the outcome of cold water and habitat?